

Application Number 10/647,839
Amendment dated June 29, 2007
Responsive to Office Action mailed June 6, 2007

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REMARKS

This response is to the Office Action mailed June 6, 2007. Applicant has amended claims 1, 8, 9, 22, 32, 40, and 41. Claims 1-54 are pending.

In the Office Action, claims 1-54 were restricted under 35 U.S.C. § 121 as follows:

- I. Claims 1-9, 22-28, 32-40, drawn to a router re-establishing a communication session upon a failure of its primary controller;
- II. Claims 10-21, 42-54, drawn to establishing a communication session with a routing protocol; and
- III. Claims 29-31, 41, drawn to communicating restart information and restart time periods between a first router and a second router.

General Traversal

As a preliminary matter, Applicants have amended claim 41 to correct a typographical error. Claim 41 as amended depends from claim 32. Thus, claim 41 is properly a member of Invention I and not Invention III.

Applicants have amended claims 1, 8, 9, 22, 32, and 40 within Invention I to render the restriction between Invention I and II moot. That is, claims 1 and 32 of Group I have been amended to recite the terms "in accordance with a routing protocol," which formed the basis for restriction of Group II. Applicant respectfully requests that the restriction between Inventions I and II be withdrawn.

In the Office Action, the Examiner asserted that Inventions I, II and III are unrelated, and stated that "[i]nventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects."¹ Applicant traverses the restriction, and respectfully submits that the specification specifically describes the inventions as capable of use together.

For example, claim 1 of Invention I recites establishing a routing communication session between a first router and a second router. The independent claims of Invention II recite similar

¹ Office Action dated June 6, 2007, at page 2 (citing MPEP §§ 802.01 and 806.06).

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features. Claim 29 of Invention III recites communicating restart information from the first router to the second router, wherein the restart information directs the second router to maintain the first router within a forwarding path of the second router for a first restart time period. The specification makes clear that communicating the restart information (as recited in the claims of Group III) may be performed when establishing the communication session (as recited in the claims of Group I):

Initially, router 12A establishes session 14 with router 12B via which they exchange information in accordance with a defined routing protocol, such as Border Gateway Protocol (BGP). When establishing session 14, routers 12A and 12B exchange information that indicates routing protocol capabilities supported by each of the routers. Particularly, router 12A advertises support of graceful restart with an associated restart time, which is typically about 120 seconds, to router 12B.²

Similarly, claim 1 of Invention I further recites reestablishing the routing communication session upon failure of the primary routing control unit. The independent claims of Invention II recite similar features. Claim 29 of Invention III recites communicating a second restart time period to the second router in response to a failure, wherein the second restart time period is reduced from the first restart time period, and renegotiating the second restart time to an increased value upon recovery from the failure. The specification makes clear that communicating the second restart time period to the second router in response to a failure (as recited in the claims of Group III) may be performed when reestablishing the routing communication session to have a second restart time less than the first restart time (as recited in the claims of Group I):

² Specification, paragraph [0031].

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If routing communication session 14 fails due to failure of the primary routing control unit of router 12A, the secondary routing control unit of router 12A immediately takes over the routing functionality previously performed by the primary routing control unit. Particularly, the secondary routing control unit of router 12A reestablishes session 14 with router 12B and communicates restart information to router 12B. In accordance with the invention, the secondary routing control unit dynamically negotiates a restart time associated with the reestablished routing communication session 14 that is less than the restart time associated with the routing communication session initially established by the primary routing control unit.³

Thus, the specification discloses that the features recited by the claims of Inventions I and II are capable of use together with the features recited by the claims of Invention III. Consequently, Inventions I, II, and III are related. The restriction is therefore improper and should be withdrawn.


In the event the Examiner maintains the rejection, Applicant elects Group II with traverse.

Please charge any additional fees or credit any overpayment to deposit account number 50-1778.

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³ Specification, paragraph [0032].